

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324 PENSION  
FUND, OPERATING ENGINEERS' LOCAL 324 HEALTH  
CARE PLAN, OPERATING ENGINEERS' LOCAL  
324 VACATION & HOLIDAY FUND, OPERATING  
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,  
OPERATING ENGINEERS' LOCAL 324 APPRENTICESHIP  
FUND, and OPERATING ENGINEERS' LOCAL 324  
DEFINED CONTRIBUTION PLAN,  
Trust Funds Established and Administered  
Pursuant to Federal Law,

Plaintiffs,

v.

Case No. 04-73052  
Hon. Paul D. Borman  
Magistrate Judge Donald A. Scheer

MIDSTATES CONTRACTORS, L.L.C. a Michigan  
Limited Liability Company, ROBERT PASEK, and  
NICK PICCIRILLI, Individually and TBD EXCAVATING,  
LLC., a Michigan Limited Liability Company.

Defendants.

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**ORDER OF JUDGMENT AGAINST DEFENDANT, PASEK PURSUANT  
TO PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT  
FILED JUNE 19, 2007 (DOC. #60)**

At a session of Court held in the City of Detroit,  
Wayne County, Michigan, on July 30, 2007.

PRESENT: Hon. Paul D. Borman  
U.S. District Court Judge

This matter having come before the Court upon Plaintiffs' Request for Immediate Entry of an Order of Judgment Against Defendant, Pasek Pursuant to Plaintiffs' Motion for Entry of Judgment Filed June 19, 2007 (Doc. #60), no response to said Motion having been filed by Defendants, and the Court being otherwise fully advised in the premises;

**IT IS ORDERED** that Judgment is hereby entered against Defendant, Robert Pasek in the amount of **\$84,985.41**. This amount includes all unpaid contributions less payments made from other parties and/or amounts collected, plus the mandates of 29 USC §1132(g)(2) as set forth below:

- A. Unpaid employee benefit contributions - \$40,747.86;
- B. interest on the unpaid contributions in the amount of \$11,920.35 - 29 USC §1132(g)(2)(i) (interest calculation prepared by O'Brien, Rivamonte & Slate, P.C.,);
- C. interest on the unpaid contributions in the amount of \$11,920.35 - 29 USC §1132(g)(2)(ii); and
- D. attorney fees, audit fees and costs of collection in the amount of \$20,396.85 pursuant to 29 USC §1132(g)(1) and (2).

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 30, 2007

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 30, 2007.

s/Denise Goodine  
Case Manager

This Order Prepared By:

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